

REMARKS

Claims 22-30 are pending in the present application. Claims 1-21 and 30 have been canceled.

Statement of Substance of Interview

On December 14, 2010 the Examiner contacted the undersigned and expressed her position as to the allowability of the claims as indicated in the Office Action of December 21, 2010. Applicant submitted claims in line with those presented above by facsimile on December 16, 2010, but the present Office Action appears to have been mailed without consideration of those amendments.

Claim Rejections Under 35 U.S.C. §§ 102(e) and 103(a)

Claims 22-24 and 27-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,076,157 to Borkenhagen et al. Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Borkenhagen in view of U.S. 6,105,127 to Kimura et al.

In the Office Action, the Examiner indicated that claims 26 and 31 contain allowable subject matter. Claim 22 has been amended to refer to include the limitations of claim 31 in describing the control of the allocation of resources. Claims 31 has been canceled.

In view of these amendments, reconsideration and withdrawal of the rejection of claims 22-30 under 35 U.S.C. §§ 102(e) and 103(a) is respectfully requested.

CONCLUSION

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4255 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON LLP

Dated: April 21, 2011

By: /Shawn W. O'Dowd/
Shawn W. O'Dowd
Reg. No. 34,687

KENYON & KENYON
1500 K Street, NW
Suite 700
Washington DC, 20005
(202) 220-4200 telephone
(202) 220-4201 facsimile